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Attorney for Defendant
PANDA RESTAURANT OF ALAMEDA, JENNY LI and CALVIN HUANG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHI-XIAN REN,

Plaintiffs,

vs.

PANDA RESTAURANT, ERIC TZANG,
CINDY TZANG, and DOES 1 - 10,

Defendants.

Case No. C07-02272 BZ

**MOTION TO CONTINUE THE
INITIAL CASE MANAGEMENT
CONFERENCE & PROPOSED
ORDER**

The parties, plaintiff SHI-XIAN REN, and defendants PANDA RESTAURANT OF ALAMEDA (erroneously sued herein as Panda Restaurant), CALVIN HUANG (erroneously sued herein as Cindy Tzang) and JENNY LI (erroneously sued herein as Eric Tzang), move the Court to continue the Initial Case Management Conference originally scheduled for July 30, 2007 at 4:00 p.m. and now set for August 13, 2007, as follows:

1. Plaintiff filed this case on April 26, 2007.
2. The Initial Case Management Conference was originally scheduled for July 30, 2007 at 4:00 p.m.
3. Defendants were erroneously served under different names on June 21, 2007.
4. Defendants retained counsel in mid-July 2007.
5. Counsel for defendants filed an Answer to the Complaint for Damages on July 26, 2007.
6. It appears that Defendants are not subject to federal jurisdiction under the Federal Labor Standards Act.

7. I spoke to opposing counsel about lack of federal jurisdiction and continuing the Initial Case Management Conference forward by 60 days. I sent two emails with a stipulated order to continue the Initial Case Management Conference but did not receive any response. Counsel for plaintiff instead filed a motion to continue the Initial Case Management Conference from July 30, 2007 at 4:00 p.m. to August 13, 2007.

7. On August 4, I will be leaving for Europe and will not be back until August 25, 2007. I respectfully request that this court continue the Initial Case Management Conference by 30 days.

Dated: August 3, 2007

LAW OFFICE OF MARTIN ZURADA

By: /s/ Martin Zurada
Attorney for Defendants
PANDA RESTAURANT OF
ALAMEDA, JENNY LI and
CALVIN HUANG

~~PROPOSED~~ ORDER

Good Cause Appearing, IT IS HEREBY ORDERED that the Initial Case Management Conference is continued to September 17th, 2007 at 4:00 ~~a.m.~~ p.m.

Dated: August 9, 2007

By:



Hon. Bernard Zimmerman
United States District Judge

